

Message Text

CONFIDENTIAL

PAGE 01 STATE 249526 TOSEC 160117

65

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CCO-00 /026 R

DRAFTED BY L:GHALDRICH:L/C:FAKWIATEK:MB

APPROVED BY L:GHALDRICH

EA/PRCM:JSROY

S/S:APSHANKLE

S/S:JCOVEY

----- 059001

P 210151Z OCT 75 ZFF4

FM SECSTATE WASHDC

TO USDEL SECRETARY PRIORITY

CONFIDENTIAL STATE 249526 TOSEC 160117

EXDIS

E.O. 11652: GDS

TAGS: CPRS, EFIN, OVIP (KISSINGER, HENRY A.), CH, US

SUBJECT: US-PRC CLAIMS/ASSETS SETTLEMENT

REFS: SECTO 16069

1. FORMULATIONS SUGGESTED REFTEL ARE TROUBLESOME IN THAT THEY LEAVE IT IN DOUBT WHETHER U.S. OR PRC LAWS AND REGULATIONS GOVERN IN EVENT OF CONFLICT BETWEEN THEM. WE MUST ENSURE THAT CLAIMS TO ASSETS TO BE ASSIGNED TO USG ARE DEFINED BY U.S. LAWS AND REGULATIONS.

2. IF REFERENCE TO U.S. LAWS AND REGULATIONS APPEARS IN FOURTH PARAGRAPH OF U.S. LETTER OF AGREEMENT, AS WE PREFER, THEN INNOCUOUS REFERENCE TO PRC LAWS AND REGULATIONS COULD BE ADDED, FOR BALANCE, IN SECOND PARAGRAPH OF LETTER. THIS WOULD CORRESPOND PRECISELY TO REFERENCE TO U.S. LAWS AND REGULATIONS IN PARAGRAPH 4 AND WOULD READ AS FOLLOWS: QUOTE TO THIS END, THE GOVERNMENT OF THE UNITED STATES, ACTING FOR AND IN BEHALF OF ITS NATIONALS, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 249526 TOSEC 160117

HEREBY RENOUNCES ALL RIGHTS, TITLE AND INTEREST IN

PROPERTIES AND ASSETS LOCATED IN THE PEOPLE'S REPUBLIC OF CHINA, IN WHICH UNITED STATES NATIONALS HAVE A CLAIM OR INTEREST THEREIN UNDER PERTINENT LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA, AND ASSIGNS ALL CLAIMS RELATING TO SUCH PROPERTIES AND ASSETS TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA. END QUOTE

3. IF REFERENCE TO U.S. LAWS AND REGULATIONS IN BASIC LETTER OF AGREEMENT IS UNACCEPTABLE, THEN SIDE LETTERS ARE NECESSARY. IN THAT EVENT, U.S. LETTER COULD BE REPHRASED TO INCLUDE BALANCING REFERENCE TO PRC LAWS AND REGULATIONS. IT WOULD READ AS FOLLOWS: QUOTE WITH REFERENCE TO THE EXCHANGE OF LETTERS BETWEEN OUR RESPECTIVE GOVERNMENTS REGARDING THE CLAIMS SETTLEMENT CONCLUDED ON THIS DATE, THE UNITED STATES GOVERNMENT UNDERSTANDS THAT, FOR THE LIMITED PURPOSES OF THIS AGREEMENT, THE CLAIMS TO PROPERTIES AND ASSETS TO BE ASSIGNED BY THE UNITED STATES TO THE PEOPLE'S REPUBLIC OF CHINA SHALL BE DEFINED BY PERTINENT LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA AND THE CLAIMS TO PROPERTIES AND ASSETS TO BE ASSIGNED BY THE PEOPLE'S REPUBLIC OF CHINA TO THE UNITED STATES SHALL BE DEFINED BY PERTINENT LAWS AND REGULATIONS OF THE UNITED STATES. END QUOTE INGERSOLL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, NATIONALIZATION, COMPENSATION, PROPERTY WAR CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 OCT 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE249526
Document Source: CORE
Document Unique ID: 00
Drafter: GHALDRICH:L/C:FAKWIATEK:MB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750364-0431
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751037/aaaabgpf.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 75 SECTO 16069
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 SEP 2003 by KelleyW0>; APPROVED <30 OCT 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-PRC CLAIMS/ASSETS SETTLEMENT
TAGS: CPRS, EFIN, OVIP, CH, US, (KISSINGER, HENRY A)
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006